1 2 3 4 5 6 7 8 9	William A. Delgado (Bar No. 222666) wdelgado@willenken.com Eileen M. Ahern (Bar. No. 216822) eahern@willenken.com WILLENKEN WILSON LOH & LIEB LI 707 Wilshire Blvd., Suite 3850 Los Angeles, CA 90017 Tel: (213) 955-9240 Fax: (213) 955-9250 Attorneys for Defendants Oversee.net and SnapNames.com, Inc.	
11	UNITED STATES DISTRICT COURT	
12	CENTRAL DISTRICT OF CALIFORNIA	
13 14 15 16 17	STEWART RESMER, an individual, on behalf of himself and all others similarly situated, Plaintiff, v.	Case No.: CV09-8497-MMM-VBKx DECLARATION OF LANCE MARTINEZ IN RESPONSE TO OSC REGARDING SUBJECT MATTER JURISDICTION
18 19 20 21 22 23 24 25 26 27 28	OVERSEE.NET, INC., a California corporation, and SNAPNAMES.COM, INC., an Oregon corporation, Defendants.	Judge: Hon. Margaret M. Morrow Location: Courtroom 780
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DECLARATION OF LANCE MARTINEZ

- I, Lance Martinez, declare:
- 1. I am the General Counsel, Domain Services for Oversee.net (hereinafter, "Oversee"), the parent company of SnapNames.com, Inc. ("SnapNames"). Except where indicated, I have personal knowledge of the facts stated herein and, if called as a witness, I could competently testify thereto.
- 2. Oversee was not aware of the unsanctioned actions taken by a certain SnapNames employee until late September 2009. When it discovered what had happened, Oversee immediately took various steps to correct the problem, including:
 - Suspension and subsequent termination of the employee.
 - Review of every single auction where "halvarez" had placed a bid to determine the impact on the winning bidder in each such auction.
 - Establishing a rebate program administered by a third party (Rust Consulting) so that every SnapNames customer across the world who paid more than they should have for a domain name because of "halvarez" would be offered a check or account credit for the difference between what they actually paid and what they should have paid, together with interest at the rate of 5.22% (the highest federal interest rate for the relevant time period).
 - Contacting every SnapNames customer eligible for a rebate to inform them about the rebate program.
- 3. I am familiar with the rebate program and receive weekly statistics regarding the eligible bidders, the bidders who have participated in the rebate program, and the amount of money available through the rebate program. Approximately 55% of the auctions affected by halvarez affected bidders who self-identify as living outside of the United States.
- 4. Over 70% of the auctions in which halvarez caused the winning U.S. bidder to pay more than he or she should have involved a loss of \$20 or less.

- 5. Forty-five percent (45%) of the auctions in which halvarez caused the winning U.S. bidder to over-pay involved a loss of \$5 or less.
- 6. At the inception of the rebate program on November 6, 2009, rebates offered to all affected SnapNames customers who self-identified as residing in the U.S. totaled approximately \$1,000,000 (including approximately \$150,000 of interest).
- 7. To date, approximately 45% of the potential rebate pool for U.S. residents has been claimed by the delivery of an executed Rebate Offer Acceptance Agreement.
- 8. As of the date of this filing, less than \$550,000 remains in the unclaimed rebate pool for U.S. residents.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 16th day of February 2010 at Los Angeles, California.

Lance Martinez

CERTIFICATE OF SERVICE I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Electronic Service List for this Case. Respectfully submitted this 16 th day of February, 2010. WILLENKEN WILSON LOH & LIEB LLP By: /s William A. Delgado William A. Delgado Attorneys for Defendants Oversee.net and SnapNames.com, Inc. Noversee.net and SnapNames.com, Inc. Noversee.net and SnapNames.com, Inc. CERTIFICATE OF SERVICE I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Electronic Service List for this Case. Respectfully submitted this 16 th day of February, 2010. WILLENKEN WILSON LOH & LIEB LLP By: /s William A. Delgado Attorneys for Defendants Oversee.net and SnapNames.com, Inc.		
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